



CRUMILLER P.C.

January 25, 2023

VIA ECF

Hon. John G. Koeltl
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

1. Application to bifurcate trial of liability ~~for~~ and damages is granted.
2. Time to submit pre-trial filings extended to 2/10/23.
So ordered.
J.G. Koeltl
1/25/23 U.S.D.S.

RE: *Europe v. Equinox, et al.* – Case No. 20-CV-7787 (JGK)

Dear Judge Koeltl,

This firm represents Plaintiff in the above-captioned employment discrimination matter. Plaintiff submits this letter jointly with Defendants to respectfully request (a) bifurcation of the trial between liability and damages and (b) a two-week extension of the deadline to submit the Proposed Joint Pretrial Order, proposed voir dire questions, proposed requests to charge and motions *in limine* from January 27 to February 10, 2023.

The parties have diligently and cooperatively worked together to streamline the trial and resolve any disputes prior to the submission of the Proposed Joint Pretrial Order and other filings. In that process, Defendants alerted Plaintiff that they intend on moving to bifurcate the trial between liability and damages. Plaintiff consents to Defendants' request to bifurcate and agrees that bifurcation of the wholly distinct issues of liability and damages is appropriate in this instance and will also serve to negate any potential prejudice. *See* Fed. R. Civ. P. 42; *Katsaros v. Cody*, 744 F.2d 270, 278 (2d Cir. 1984) (affirming bifurcation "because the two phases involved different types of evidence"), or where litigation of one issue may obviate the need to try another issue, *Morse/Diesel, Inc. v. Fidelity and Deposit Co.*, 763 F. Supp. 28, 35 (S.D.N.Y. 1991) (finding bifurcation appropriate where litigation of one issue may obviate the need to try another issue), modified in part on other grounds, 768 F. Supp. 115 (S.D.N.Y. 1991), *aff'd* by summary order, 1996 WL 481813 (2d Cir. Aug. 22, 1996). The Parties therefore respectfully request that the Court grant their joint request to bifurcate the trial between liability and damages.

To the extent said request is granted, the parties will adapt the Proposed Joint Pretrial Order to indicate which exhibits and witnesses will be called for each stage of trial. The parties have conferred and agreed that the two-week extension will not delay the trial-ready date of March 17, 2023. This is the parties' third request for an extension of the Joint Pretrial Order deadline; the Court has granted these previous requests.

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We thank the Court in advance for its consideration of this letter motion.

Sincerely,


Hilary J. Orzick